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# USAID Public Policy E-Bulletin

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## SUPPORT TO THE MINISTRY OF AGRICULTURE AND LAND REFORM

Land reform is a cornerstone of the Santos Administration's reform agenda. The Government of Colombia is seeking to consolidate the security gains achieved over the past eight years by returning illegally seized land, improving land use, and providing access to land for landless farmers. The new policies aim to discourage illicit crops, and improve the livelihoods of farmers and rural inhabitants which make up a majority of Colombia's poor. At the same time, the new agenda will strengthen Colombia's agricultural sector and foster economic growth. To meet these objectives, the Santos Administration is promoting four separate bills.

1. Victims Law: The bill establishes the legal conditions for reparations to victims of the conflict, and the recovery and return of violently seized land. The bill shifts the burden of proof from victims, which no longer need to prove they were the legitimate tenants of land holdings, to the current occupants. Under this scheme, the current occupants will have to prove that they purchased the property freely and without coercion and that they have legitimate titles or leasing agreements. The bill also creates an Administrative Unit with ample budgetary and technical autonomy to process land claims, investigate land ownership, and produce evidence to support land claims in the judicial system. The law will create a special land jurisdiction which will process all victims' claims.

2. General Land Law or Law on Rural Development – the law establishes a new regulatory framework to improve land use in Colombia, improve access to land for landless farmers, and discourage the unplanned expansion of the agricultural frontier into forests and other biodiversity rich protected land. The bill is being developed by the GOC with the assistance of the USAID Public Policy Program and will be presented to Congress in March 2011.

3. Ley de Facultades Extraordinarias – The law allows the President to enact administrative reforms to restructure GOC Ministries and other GOC agencies without going through Congress, within the six months following the passing of the law. The Public Policy Program is advising on several institutional reforms including the reform of the Ministry of Agriculture. The bill is currently undergoing its 3<sup>rd</sup> debate and should be approved by April 2011

4. Procedures Code. The Policy Program is supporting the Ministry of Interior and Justice in the drafting of the law, specifically the program is providing recommendations for reforming the agrarian and land procedures in the Civil Procedures Code. The reforms are aimed at facilitating the evidence gathering

processes needed for judicial decisions on land titling and restitution, through the use of new information technologies.

On February 7<sup>th</sup>, the GOC will submit the National Development Plan to Congress. The USAID PPP has provided valuable contributions and recommendations which have been included in the Plan, on sensitive agricultural policy issues, National Consolidation Plan, IDPs and Red Juntos, and environment policy among other.

### INCODER and the Plan de Choque

The Program has been providing important input into the design of the General Land and Rural Development Law for reforming INCODER. The law seeks to strengthen INCODER, expands its functions, and makes it the primary implementer of Colombia's rural development programs. The bill also gives INCODER the responsibility to coordinate all GOC funding for housing, tertiary roads, training and education to promote value chains and economic development.

The "*Plan de Choque*" (PDC) is the Government of Colombia's emergency plan to address- within the current legal framework- the restitution and formalization of land for Colombians who were forcibly displaced. Its main objective is to target "low hanging fruit", resolving land titling processes that have few complications and no judicial implications, in order to build public confidence in the GOC's land titling program and the reform of INCODER. The *Plan de Choque* has met close to 40% of the Plan's objectives. USAID, through the PPP, MIDAS and IOM, has funded the majority of the staff implementing the program.